

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
CHAKA FATTAH, JR.	:	NO. 14-409

ORDER

AND NOW, this 8th day of January, 2015, it is hereby ORDERED that the motion of defendant Chaka Fattah, Jr. to dismiss Count Twelve of the indictment (Doc. # 38) is DENIED.

Defendant Chaka Fattah, Jr. ("Fattah") has been indicted on twenty-three counts of fraud, theft, and tax-related offenses. In his instant motion Fattah seeks the dismissal of Count Twelve of the indictment for failure to state an offense.

Count Twelve charges Fattah with bank fraud in violation of 18 U.S.C. § 1344 arising out of Fattah's alleged obtainment of a loan from United Bank under false pretenses. According to the indictment, Fattah secured the loan by fraudulently representing that it would be used for business purposes. He purportedly went on to use the proceeds for personal expenses.

Fattah contends that Count Twelve fails to state an offense and must be dismissed. Having carefully reviewed his arguments and the language of the indictment, we conclude that Count Twelve meets the standard for an indictment properly to state an

offense. United States v. Bergrin, 650 F.3d 257, 264-65 (3d Cir. 2011). Consequently the motion of the defendant is being denied.

BY THE COURT:

/s/ Harvey Bartle III

J.